

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2123-01
Bill No.: Perfected HB 915
Subject: Americans with Disabilities Act
Type: Corrected #
Date: April 2, 2001
Corrected to add footnote.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
#Legal Expense	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on <u>All</u> State Funds	\$0 to (Unknown)*	\$0 to (Unknown)*	\$0 to (Unknown)*

#*Could exceed (\$100,000) in any given fiscal year.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

In response to similar legislation (HB 915), officials from the **Department of Labor and Industrial Relations** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of Administration - Division of Personnel, Lieutenant Governor's Office** and the **Division of Facilities Management** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Attorney General** assume the costs related to this proposal could be absorbed with existing resources.

Officials from the **Office of State Treasurer** assume this proposal would allow the state of Missouri to be sued in state court under the Americans with Disabilities Act. Furthermore, this proposal has a provision which removes the monetary limitations for state officials located in the Missouri State Capitol Building. Therefore, officials assume the monetary amounts that may be awarded against their office are unknown.

Officials from the **Governor's Office** assume this legislation could have impact on state government but should not have a direct impact to the Governor's Office.

In response to similar legislation, officials from the **Department of Transportation** assume any additional workload related to cases of employees disputing 'reasonable accommodations' or other issues of the Americans with Disabilities Act will be absorbed by current staff and appropriations.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would waive the state's sovereign immunity and permit suits against the state under the federal Americans with Disabilities Act.

Officials assume that suits would be filed in state court and there may be some increase in the number of cases filed. However, officials have no way of estimating that increase at this time and do not anticipate that it would be substantial enough to require a budget increase in the courts.

In response to similar legislation, officials from the **Department of Conservation (MDC)** assume the proposed legislation could have fiscal impact on MDC funds because of the

ASSUMPTION (continued)

increased exposure to lawsuits. However, officials noted that the amount of fiscal impact is unknown.

Officials from the **Office of Secretary of State** assume this bill opens the State of Missouri up to more lawsuits. The fiscal impact is unknown, but could be significant, depending on the number of suits filed.

Officials from the **Missouri House of Representatives** assume if there would be a lawsuit there would be a fiscal impact for the State. The House is assuming the money needed as a result of a lawsuit would be available through the Office of Administration.

Oversight assumes that prior to the recent U.S. Supreme Court decision, cases could be filed in state court. Oversight assumes that this proposal allows such cases to be filed in state court. Based on these assumptions and the assumptions provided by the CTS, Oversight assumes the administrative impact of this portion of the proposal is \$0. This proposal also specifies that the provisions shall, without limitation, apply to the Missouri State Capitol Building. Oversight assumes the impact of this proposal as it relates to the state would be \$0 to (Unknown), depending on the success of the lawsuits. #Oversight assumes that any one judgment, in a fiscal year, against the state could exceed \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2002	FY 2003	FY 2004
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#LEGAL EXPENSE FUND

Cost - Potential for more lawsuits	<u>\$0 to</u>	<u>\$0 to</u>	<u>\$0 to</u>
	<u>(Unknown)*</u>	<u>(Unknown)*</u>	<u>(Unknown)*</u>
#*Could exceed (\$100,000) in any given fiscal year.			

<u>FISCAL IMPACT - Local Government</u>	FY 2002	FY 2003	FY 2004
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	\$0	\$0	\$0
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This bill allows the state of Missouri to be subject to lawsuits for monetary damages in Missouri state courts for violations of the federal Americans with Disabilities Act. In addition, this bill states that the provisions of such section shall, without limitation, apply to the Missouri State Capitol Building.

This bill contains an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Conservation
Department of Labor and Industrial Relations
Department of Transportation
Office of Administration - Division of Personnel
Office of Administration - Division of Facilities Management
Lieutenant Governor's Office
Office of State Courts Administrator
Office of Secretary of State
Office of State Treasurer
Office of Attorney General
Governor's Office
Missouri House of Representatives

NOT RESPONDING: Missouri Senate and State Auditor's Office



Jeanne Jarrett, CPA
Director

April 2, 2001